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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Investigation and Ordering
Pacific Gas and Electric Company to Appear
and Show Cause Why It Should Not Be
Sanctioned for Violations of Article 8 and Rule
1.1 of the Rules of Practice and Procedure and
Public Utilities Code Sections 1701.2 and
1701.3.

Investigation 15-11-015
(Filed November 23, 2015)

PACIFIC GAS AND ELECTRIC COMPANY'S STATUS REPORT

KIRK A. WILKINSON
SEAN P.J. COYLE
LATHAM & WATKINS LLP
355 South Grand Avenue
Los Angeles, CA 90071-1560
Telephone: (213) 485-1234
Facsimile: (213) 891-8763
Email: Kirk.Wilkinson@lw.com

Dated: August 12, 2016

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

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PACIFIC GAS AND ELECTRIC COMPANY'S STATUS REPORT

As set forth in the schedule provided in the Commission's Joint Ruling Revising Preliminary Scoping Memorandum,¹ Pacific Gas and Electric Company ("PG&E") files this Status Report to update the Commission regarding the activities undertaken since the Prehearing Conference on April 20, 2016, and the steps still to be taken in this proceeding. As discussed in the Parties'² Joint Process Report³ and the Commission's Joint Ruling, the Parties have organized the pertinent alleged *ex parte* communications into three categories. Each of these three categories are discussed below.

I. CATEGORY 1

Category 1 consists of 135 communications for which the Parties agreed that any factual or evidentiary issues can be resolved by the Commission without further discovery. The Parties

¹ *Assigned Commissioner and Administrative Law Judge's Joint Ruling Revising Preliminary Scoping Memorandum* ("Joint Ruling Revising Preliminary Scoping Memorandum" or "Joint Ruling"), dated July 12, 2016.

² The City of San Bruno, the City of San Carlos, the Office of Ratepayer Advocates ("ORA"), the Safety and Enforcement Division ("SED"), The Utility Reform Network ("TURN") collectively are referred to as the "Non-PG&E Parties." Together with PG&E, they are referred to as the "Parties."

³ *Joint Meet and Confer Process Report of the City of San Bruno, the City of San Carlos, the Office of Ratepayer Advocates, the Safety and Enforcement Division, The Utility Reform Network, and Pacific Gas and Electric Company* ("Joint Process Report"), filed on April 18, 2016.

agreed, and the Commission approved, that for each of these 135 communications, PG&E would complete stipulations in accordance with the sample format provided to the Commission in the Joint Process Report filed April 18, 2016, and they would be filed with the Commission by August 12, 2016.

PG&E provided draft stipulations for the Category 1 communications to the Non-PG&E Parties, and has received comments from them. Although the Parties have made progress on the stipulations, they jointly requested that the deadline for filing the stipulations be extended to September 1, 2016 to allow the Parties to finalize the stipulations and submit them to the Commission, and that request was granted on August 11, 2016.

II. CATEGORY 2

Category 2 contains 24 communications for which the Non-PG&E Parties served Data Requests, and PG&E agreed to conduct diligence in accordance with a Protocol negotiated by the Parties and presented to the Commission in the Joint Process Report. At the Prehearing Conference on April 20, 2016, PG&E estimated that it would take four to six months to apply the Protocol to the Category 2 communications and respond to the Non-PG&E Parties' Data Requests. PG&E has worked diligently to conduct this work and anticipates that it will be able to provide Data Request Responses to the Non-PG&E Parties on September 1, 2016.

III. CATEGORY 3

Category 3 consists of 21 communications. The Parties briefed whether the Category 3 communications should be included in this proceeding on May 20, 2016 and June 10, 2016. On July 12, 2016 in its Joint Ruling Revising Preliminary Scoping Memorandum, the Commission agreed to permit discovery regarding the Category 3 communications. The Commission noted that the results of such discovery will determine whether any Category 3 communications should

be included within the scope of this proceeding.⁴ The Commission further noted that PG&E should not be required to “devote hundreds of additional hours” in conducting its discovery regarding the Category 3 communications, and that the focus of this proceeding should remain on the 159 communications included in Category 1 and Category 2.⁵

Subsequent to the Joint Ruling, the Parties conferred by telephone three times—on July 19, August 2, and August 10—to discuss methods for providing additional information concerning the Category 3 communications, consistent with the Commission’s Joint Ruling. On July 28, 2016, the Non-PG&E Parties served Data Requests concerning the Category 3 communications (“Category 3 Data Requests”). In the Category 3 Data Requests, the Non-PG&E Parties proposed dropping one of the communications and indicated that they did not have any data requests regarding another communication. After checking calendars for the PG&E personnel scheduled to attend various Category 3 events, PG&E informed the Non-PG&E Parties that it could not find evidence that the meetings or visits described in five Category 3 communications actually took place. PG&E proposed a streamlined protocol for reviewing calendars and emails and conducting interviews concerning the remaining fourteen Category 3 communications. With this more focused review, PG&E estimates that it can complete this work by approximately September 21, 2016. These Category 3 Data Request responses should allow the Non-PG&E Parties and the Commission to determine which, if any, of the Category 3 communications should be subject to further consideration in this proceeding.

IV. ADDITIONAL STEPS

Based on the Category 1 stipulations and PG&E’s responses to the Category 2 and Category 3 Data Requests, the Non-PG&E Parties and the Commission should have enough

⁴ Ruling Revising Preliminary Scoping Memorandum, p. 8.

⁵ Ruling Revising Preliminary Scoping Memorandum, p. 7

information to determine whether this matter can be resolved on terms acceptable to the Commission and the Parties, or to adopt a schedule to facilitate resolution by or near the one-year time frame referenced by the Commission in the Joint Ruling.

Respectfully Submitted,

By: /s/ Kirk A. Wilkinson
KIRK A. WILKINSON

KIRK A. WILKINSON
SEAN P.J. COYLE
LATHAM & WATKINS LLP
355 South Grand Avenue
Los Angeles, CA 90071 1560
Telephone: (213) 485-1234
Facsimile: (213) 891-8763
E-Mail: Kirk.Wilkinson@lw.com

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